



Weekly Summary of Cases

National Labor Relations Board

Week of October 18-22*, 2010, W-3283
*Including decision dated September 29, 2010

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Summarized Board Decisions

One Stop Kosher Supermarket, Inc. (29-CA-29865; 355 NLRB No. 201) Brooklyn, NY, September 29, 2010. [[HTML](#)] [[PDF](#)]

The Board found that the employer violated the Act by failing and refusing, after executing a voluntary recognition agreement, to meet and bargain with the union and furnish the union with requested relevant information.

Charge filed by Local 338, Retail, Wholesale and Department Store Union, United Food and Commercial Workers. Administrative Law Judge Jeffrey D. Wedekind issued his decision May 7, 2010. Members Becker, Pearce, and Hayes participated.

J. Picini Flooring, et al. (28-CA-21229, et al.; 356 NLRB No. 9) Las Vegas, NV, October 22, 2010. [[HTML](#)] [[PDF](#)] (***J & R Flooring, Inc. d/b/a J. Picini Flooring and Freeman's Carpet Service, Inc. and FCS Flooring, Inc. and Flooring Solutions of Nevada, Inc., d/b/a FSI***)

The Board held that respondents found to have violated the National Labor Relations Act should be required to distribute remedial notices electronically, such as by email, posting on an intranet or internet site, in addition to physical posting of paper notices on a bulletin board, when that is their customary means of communicating with employees or members. The Board further held that questions concerning whether a respondent customarily uses a particular electronic method in communicating with employees or members, and other relevant matters, may be resolved at the compliance stage.

Dissenting, Member Hayes stated that he was opposed to broadening the Board's traditional notice posting remedy and that, in his view, requiring electronic posting of Board remedial notices unfairly imposes additional obligations and sanctions on respondents that go far beyond what is required by the simple posting of a traditional paper notice. He further observed that electronic notices are at much greater risk than traditional paper notices of being anonymously altered and broadly distributed.

Charges filed by International Union of Painters and Allied Trades, District Council 15. Administrative Law Judge Lana H. Parke issued her decision September 5, 2007. Chairman Liebman and Members Becker, Pearce, and Hayes participated.

Decisions in cases involving prior rulings by two-member Board

The following cases involve prior rulings by the two-member Board, whose authority to act was rejected by the U.S. Supreme Court decision in *New Process Steel, LP* (June 17, 2010). The new decisions summarized here were reached by a three-member panel of the Board or by the full Board.

American Standard (8-CA-33352, et al; 356 NLRB No. 4) Tiffin, OH, October 22, 2010.

[\[HTML\]](#) [\[PDF\]](#)

The Board adopted the administrative law judge's conclusions that the Respondent unlawfully threatened to sue employees because of their union activities, refused to continue negotiations with the union although the parties had not reached impasse or an agreement, falsely asserted that an agreement had been reached and unilaterally implemented the terms of its bargaining proposal in the absence of an impasse, and subsequently unilaterally changed the wages of certain employees without notice to the union. The Board also rejected the respondent's contention that it had remedied several other violations pursuant to an earlier settlement agreement that had been set aside, and required notice posting. The Board found additional violations, adopted the judge's dismissal of others, and, finally, found it unnecessary to pass on several allegations because the findings would have been cumulative and not affected the remedy.

Charges filed by the Glass, Molders, Pottery, Plastics & Allied Workers International Union, AFL-CIO, CLC and its Local 7A. Administrative Law Judge Jane Vendevertter issued her decision September 18, 2006. Chairman Liebman and Members Becker and Pearce participated.

Kentucky River Medical Center (9-CA-42249, et al.; 356 NLRB No. 8) Jackson, KY, October 22, 2010. [\[HTML\]](#) [\[PDF\]](#)

The Board departed from its practice of computing simple interest on backpay and other monetary awards in backpay cases and adopted a new policy under which interest will be compounded on a daily basis, using the established methods for computing backpay and for determining the applicable rate of interest. The Board explained that daily compounding of interest is used under comparable legal regimes, including the Internal Revenue Code, and will better serve the remedial policies of the National Labor Relations Act.

Administrative Law Judge Paul Buxbaum issued his decision on July 29, 2008, and the Board issued an initial decision on August 27, 2010, at 355 NLRB No. 129. Charges filed by United Steel, Paper & Forestry, Rubber, Manufacturing, Energy, Allied Industrial & Service Workers International Union, AFL-CIO-CLC. Chairman Liebman and Members Becker, Pearce, and Hayes participated.

Pavilions at Forrestal Nursing & Rehabilitation Center (22-CA-27066, et al.; 356 NLRB No. 6) Wayne, NJ, October 22, 2010. [\[HTML\]](#) [\[PDF\]](#) ***Atrium at Princeton, LLC d/b/a Pavilions at Forrestal and Princeton Healthcare, LLC d/b/a Pavilions at Forrestal***

The Board adopted the administrative law judge's finding that Princeton Healthcare, LLC (Princeton) violated the Act by bypassing the union and dealing directly with unit employees.

The Board also adopted, on modified grounds, the judge's finding that Atrium at Princeton, LLC (Atrium), a successor to Princeton, violated the Act by failing and refusing to meet with the union for the purpose of negotiating a successor collective-bargaining agreement. The Board further affirmed the judge's findings that Atrium violated the Act by making unilateral changes in terms and conditions of employment and by refusing to provide the union with relevant requested information. However, reversing the judge, the Board found that Atrium did not violate the Act by failing to provide the union with the social security numbers of unit employees, because the union failed to establish the relevance of that information.

Charges filed by SEIU 1199 New Jersey Health Care Union. Administrative Law Judge Steven Davis issued his decision April 15, 2008. Chairman Liebman and Members Becker and Hayes participated.

Unpublished Board Decisions in Representation Cases

Alex Figliolia Water and Sewer, LLC (29-RC-11935) Brooklyn, NY, October 16, 2010. No exceptions having been filed to the Regional Director's report in an election held September 3, 2010, the Board adopted the Regional Director findings and recommendations ordered that the proceeding be remanded to the Regional Director for further appropriate action.

Healthcare Services Group, Inc. (18-RD-2711) Rochester, MN, October 18, 2010. No exceptions having been filed to the Regional Director's report in an election held July 30, 2010, the Board adopted the Regional Director's findings and recommendations and directed the Regional Director to open and count ballots. Petitioner – an Individual.

Supply Technologies, LLC (18-RC-17716) Minneapolis, MN, October 18, 2010. No exceptions having been filed to the Regional Director's report in an election held August 4, 2010, the Board adopted the Regional Director's findings and recommendations and found that a certification of results of election should be issued. Petitioner – International Brotherhood of Teamsters, Local 120.

Douglas Fruit Co., Inc. (19-RC-15286) Pasco, WA, October 18, 2010. No exceptions having been filed to the Hearing Officer's report in an election held April 8, 2010, the Board adopted the Hearing Officer's findings and recommendation and found that a certification of results of election should be issued. Petitioner – United Food and Commercial Workers, Local 1439.

Center Ethanol Company, LLC (14-RC-12798) Sauget, IL, October 21, 2010. No exceptions having been filed to the Hearing Officer's report in an election held August 5, 2010, the Board adopted the Hearing Officer's findings and recommendations and directed the Regional Director to open and count ballots. Petitioner – International Union of Operating Engineers, Local 148, AFL-CIO.

Decisions of Administrative Law Judges

Hyundai America Shipping Agency, Inc. (28-CA-22892; JD(SF)-41-10) Scottsdale, AZ. Charge filed by an Individual. Administrative Law Judge Gregory Z. Meyerson issued his decision October 18, 2010. [[HTML](#)] [[PDF](#)]

Salon/Spa at Boro, Inc. (9-CA-45349, et al.; JD-58-10) Springboro, OH. Charges filed by Individuals. Administrative Law Judge Paul Buxbaum issued his decision October 18, 2010. [[HTML](#)] [[PDF](#)]

Kaleida Health, Inc. (3-CA-27507; JD-60-10) Tonawanda, NY. Charge filed by Communication Workers of America, Local 1168. Administrative Law Judge Mark Carissimi issued his decision October 18, 2010. [[HTML](#)] [[PDF](#)]

Transcare New York, Inc. (29-RC-11762, 29-CA-29632; JD(NY)-42-10) Brooklyn, NY. Petitioner/Charge filed by International Association of EMTS and Paramedics, National Association of Government Employees, SEIU Local 5000. Administrative Law Judge Steven Fish issued his decision September 20, 2010. [[HTML](#)] [[PDF](#)]

Jung Sun Laundry Group Corporation (29-CA-29946; JD(ATL)-22-10) Long Island, NY. Charge filed by Laundry, Dry-Cleaning and Allied Workers Joint Board, Workers United, a Service Employees International Union Affiliate. Administrative Law Judge Keltner W. Locke issued his decision October 21, 2010. [[HTML](#)] [[PDF](#)]

Northwest Communities Education Center (19-CA-31777 (E), et al.; JD(SF)-42-10) Granger, WA. Charges filed by Teamsters, Local 760. Administrative Law Judge Gerald A. Wacknov issued his supplemental decision and order October 22, 2010. [[HTML](#)] [[PDF](#)]

LM Waste Service, Corp. (24-CA-10837, 10894; JD(ATL)-20-10) Juana Diaz, PR. Charge filed by Union de Tronquistas De Puerto Rico, Local 901, IBT. Administrative Law Judge Keltner W. Lock issued his supplemental decision October 22, 2010. [[HTML](#)] [[PDF](#)]

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